

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

FILED IN CHAMBER
JAN 11 2005
U.S. MAGISTRATE
N.D. GEORGIA

UNITED STATES OF AMERICA :
 : CRIMINAL INDICTMENT
 v. :
 : NO. 2 05 - CR - 002
ANDREW COX :

THE GRAND JURY CHARGES THAT:

COUNT ONE - CONSPIRACY TO MANUFACTURE MARIJUANA

1. Beginning at a time unknown to the Grand Jury, but at least by or about Spring, 2004, in the Northern District of Georgia, the defendant ANDREW COX, and Jose Quezadas-Fierros, Paciano Vargas-Hernandez, and Mayolo Vargas-Villeneuve, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with each other and others, known and unknown to the Grand Jury, to commit violations of Title 21, United States Code, Section 841(a)(1), to wit: to knowingly and intentionally manufacture and attempt to manufacture marijuana; said conspiracy involving more than 1,000 marijuana plants, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(vii).

SPECIAL FINDINGS

2. With respect to Count One, defendant ANDREW COX was an organizer, leader, manager, and supervisor of criminal activity that involved five or more participants or was otherwise extensive.

FORFEITURE PROVISION

3. As a result of committing the controlled substances offense alleged in Count One of this Indictment, Defendant ANDREW COX shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of a violation alleged in Count One of this Indictment, including but not limited to the following:

A. CONVEYANCES


- (1) One (1) 1997 GMC Truck with Georgia tag number ALN5880, with a VIN 2GTEK19R6V1568241;
- (2) One (1) Land Pride "Trecker" ATV, green in color, serial number 409733; and
- (3) One (1) Polaris "400" 4-wheeler (ATV), green in color, VIN 3200584

all in violation of Title 21, United States Code, Sections 841 and 846 and 853.

4. If, as a result of any act or omission of the defendant, any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

A TRUE BILL

FOREPERSON

DAVID E. NAHMIAS
UNITED STATES ATTORNEY


SUSAN COPPEDGE

ASSISTANT UNITED STATES ATTORNEY
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